

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)	
)	No. 2:05-CR-28
V.)	District Judge Greer
)	Magistrate Judge Inman
JOE L. DAVIS, SR.)	

SUPPLEMENT TO
REPORT AND RECOMMENDATION

Since filing the Report and Recommendation in this case, and while engaged in research on an entirely different matter, the Court stumbled across a case from the Fifth Circuit Court of Appeals, *United States v. Savage*, 564 F.2d 728 (5th Cir. 1977). The *Savage* case is pertinent to the issue of whether defendant's motel room could be searched as an incident to his arrest, which is discussed in the latter part of the Report and Recommendation.

In *Savage*, the defendant was arrested, in his motel room and without a warrant, for possession of counterfeit currency. The police had probable cause to make the arrest without a warrant. 564 F.2d at 732-3.

Subsequent to the defendant's arrest, the police searched the motel room and found seventy counterfeit twenty-dollar bills in the pocket of a shirt. *Id.*, at 730. The Fifth Circuit Court of Appeals clearly had no difficulty in finding the search of the

entire motel room to be proper as one incidental to an arrest, relying on *Chimel v. California*, 395 U.S. 752 (1969). *Id.*, at 733.

Respectfully submitted,

s/ Dennis H. Inman
United States Magistrate Judge